

(9/16) Complaint for a Civil Case

Middle District of Georgia

Appendix A

Benny Kelly Jr.

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Star Transportation

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Covenant Transportation
Gallager & Bossett

COMPLAINT FOR A CIVIL CASE

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	<u>Benny Kelly Jr.</u>
Street Address	<u>2410 Youth Monroe Rd</u>
City and County	<u>Monroe Walton</u>
State and Zip Code	<u>GA 30655</u>
Telephone Number	<u>770-601-3223</u>
E-mail Address	<u>bennykelly68@yahoo.com</u>

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 1

Name	<u>Star Transportation</u>
Job or Title (if known)	<u>Carrier</u>
Street Address	<u>1234 Bridgestone Parkway</u>

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(9/16) Complaint for a Civil Case

City and County
 State and Zip Code
 Telephone Number
 E-mail Address (if known)

La Vergne
 TN 37086

Rutherford County
 TN 37086

Defendant No. 2

Name
 Job or Title (if known)
 Street Address
 City and County
 State and Zip Code
 Telephone Number
 E-mail Address (if known)

Covenant Transportation
 Transport Company
 400 Birmingham Hwy
 Chattanooga, Hamilton County
 TN 37419
 1-866-450-0001

Defendant No. 3

Name
 Job or Title (if known)
 Street Address
 City and County
 State and Zip Code
 Telephone Number
 E-mail Address (if known)

Gallagher + Basset
 Insurance Company
 555 Marriott Dr
 Nashville TN 37214 Davidson County
 TN 37214
 1-800-225-9675

Defendant No. 4

Name
 Job or Title (if known)
 Street Address
 City and County
 State and Zip Code
 Telephone Number
 E-mail Address (if known)

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? (check all that apply)

☐ Federal question

☒ Diversity of citizenship

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What is the basis for federal court jurisdiction? (check all that apply)

☐ Federal question

☒ Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

NA

B. If the Basis for Jurisdiction Is Diversity of Citizenship**1. The Plaintiff(s)****a. If the plaintiff is an individual**

The plaintiff. (name)

State of (name)

Benny Kelly Jr. is a citizen of the
Georgia

b. If the plaintiff is a corporation

The plaintiff. (name)

under the laws of the State of (name)

and has its principal place of business in the State of (name)

NA

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

2. The Defendant(s)**a. If the defendant is an individual**

The defendant. (name)

the State of (name)

(foreign nation)

NA is a citizen of
_____. Or is a citizen of
_____.

b. If the defendant is a corporation

The defendant. (name) Star Transportation is incorporated under the laws of the State of (name) Tennessee and has its principal place of business in the State of (name) Tennessee. Or is incorporated under the laws of (foreign nation) _____ and has its principal place of business in (name) _____.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

3. The Amount in Controversy

The amount in controversy-the amount the plaintiff claims the defendant owes or the amount at stake-is more than \$75,000, not counting interest and costs of court, because (explain):

Expenses are ongoing and already in excess of \$75,000 in medical bills alone. My loss of wages are in excess of \$1 Million. Punitive and Pain and Suffering damages are in excess of 7 Million.

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

See attached

IV. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

see attached

The defendant. (name) Covenant Transportation incorporated under
the laws of the State of (name) Tennessee and has its
principal place of business in the State of (name) Tennessee.
Or is incorporated under the laws of (foreign nation) _____
and has its principal place of business in (name) _____.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

3. The Amount in Controversy

The amount in controversy-the amount the plaintiff claims the defendant owes or the amount at stake-is more than \$75,000, not counting interest and costs of court, because (explain):

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

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State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

(9/16) Complaint for a Civil Case

The defendant. (name) Gallager and Basset incorporated under
 the laws of the State of (name) Tennessee. and has its
 principal place of business in the State of (name) Tennessee.
 Or is incorporated under the laws of (foreign nation) _____
 and has its principal place of business in (name) _____.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

3. The Amount in Controversy

The amount in controversy-the amount the plaintiff claims the defendant owes or the amount at stake-is more than \$75,000, not counting interest and costs of court, because (explain):

\$

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

IV. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

(9/16) Complaint for a Civil Case

V. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing:

12/15/2021

Signature of Plaintiff

Benny Kelly Jr.

Printed Name of Plaintiff

Benny Kelly Jr.**B. For Attorneys**

Date of signing:

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address

APPENDIX B

III

Statement of Claim

While I was an employee of Star Transportation, which was bought by Covenant Transportation, I was injured on the job in an accident, on March 16, 2020. I filed a claim of workman compensation and was approved. I was then cut off of workman compensation in June 2020, handled by Gallagher & Basset. I was unable to work due to the injury sustained on the job and left without insurance to pay for my medications and other healthcare needs. This caused my blood pressure to remain elevated for long periods of time, which led to diabetes, loss of sight and end stage renal failure.

IV

Relief

I was injured while I was an employee of Star Transportation on March 16, 2020. Due to being denied proper healthcare benefits from Workers Compensation in June 2020, I lost both kidneys, my sight and quality of life. I am seeking \$10 Million dollars for actual damages, punitive damages and pain and suffering.

I currently have to have others to help with anything that involves my sight. I can no longer see for myself something as simple as the meal I am about to eat. I require assistance to take a bath. I take dialysis three times a week for 3 hours and 45 minutes each treatment to replace the loss of function of my kidneys. Dialysis is required for the rest of my life. I have problems walking and maintaining my balance. Due to these chronic health problems, my quality of life has changed dramatically.

When I was able to work, I earned in excess of \$1000 a week. The life expectancy of a male in America is 78 years old. I would have had 27 years to make in excess of \$1300 a week, \$1,825,200 for 27 years. I currently require a healthcare worker five days a week, \$421,200 for 27 years. I am seeking \$7,753,379 in punitive damages and for pain and suffering.